IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3047 of 2005

Between:

M.Khaja Mohiuddin, S/o. Late Sri Mahaboob Ali, aged about 74 years, Civil and Electrical Contractor, Class I H.No.12-8-443, Mettuguda 'X' Roads, Beside Petrol pump, Flat No.5, 1st Floor, Padmarao Nagar, Hyderabad.

... PETITIONER

AND

1. The commissioner, Municipal Corporation of Hyderabad, Hyderabad.

2. The Additional Commissioner (Projects), Municipal Corporation of Hyderabad, Hyderabad.

3. The Chief Engineer, Municipal Corporation of Hyderabad, Hyderabad.

4. The Executive Engineer (Electrical), Municipal Corporation of Hyderabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction directing the respondents to examine and pass orders on the representation submitted by the petitioner by concluding the agreements for finalization of pending payments with regard to maintenance of conventional Street Lights under the package No.9 including for repair works during survey work, with interest.

Counsel for the Petitioner: MR.S.GOPAL RAO

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following:

-

-

-

-

-

-

-

-

-

-

ORDER:

Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

This writ petition is filed aggrieved by the alleged inaction on the part of the respondent corporation in concluding the agreement in favour of the petitioner on the basis of the work order issued in his favour for package No.9 of Maintenance of Conventional Street Lights, including repairs undertaken during the surveying work and thereby not making the payments against pending bills.

As can be seen from the material on record, the petitioner made a representation dated 03-02-2005, requesting the respondent corporation to make payment of at least 75% as against the submitted bills. This writ petition is filed alleging that the respondent has failed to consider the said request and merely kept the representation pending. Since the representation is pending, I am not inclined to express any opinion as to the entitlement of the petitioner for payment of the amount so claimed. Instead, I deem it appropriate to dispose of the writ petition with a direction to the respondent corporation to consider the representation of the petitioner dated 03-02-2005 and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of

receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

_____

G. ROHINI, J

Dated: 21-02-2005

LSK

ASSISTANT REGISTRAR

To

1 The Commissioner Municipal Corporation of Hyderabad, Hyderabad.
2 The Addl., Commissioner (Projects), Municipal Corporation of Hyderabad, Hyd.
3 The Chief Engineer, Municipal Corporation of Hyd, Hyd.

4 The Executive Engineer, (Electrical), MUnicipal Corporation of HYd, Hyderabad.

5 Two C.D. copies.